

RCE ✓
H. Langer

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.



Helene Gabel

Date: February 11, 2005

MAIL STOP RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------|---|-----------------------------------|
| In Re Patent Application of: | : | |
| Jürgen Eck, <i>et al.</i> | : | |
| Conf. No.: 3271 | : | Group Art Unit: 1644 |
| Appln. No.: 09/347,064 | : | Examiner: Gerald R. Ewoldt, Ph.D. |
| Filing Date: July 2, 1999 | : | Attorney Docket No.: 9282-5 |
| | : | (B 3521 US) |

Title: NUCLEIC ACIDS ENCODING FUSION PROTEINS BASED ON RIBOSOME-INACTIVATING PROTEINS OF THE MISTLETOE *VISCUM ALBUM*

AFTER FINAL REQUEST FOR CONTINUED EXAMINATION (RCE)
UNDER 37 C.F.R. 1.114

This is a request under 37 CFR 1.114 for continued examination (RCE) of the above identified application in response to the Office Action mailed March 11, 2004, in lieu of filing a brief after the Notice of Appeal filed August 13, 2004. Enclosed are the following in support of the RCE under 37 C.F.R. 1.114:

- ☐ Enter the unentered Amendment previously filed on _____ under 37 CFR 1.116 in the above application.
- ☒ An Amendment/Request for Reconsideration.
- ☐ An Information Disclosure Statement, PTO/SB/08A and cited references.
- ☐ New formal drawings.
- ☒ A Petition for Extension of Time to February 14, 2005 (February 13 being a Sunday) for the pending application.
- ☒ Other: Declaration of Martin Langer Under 37 C.F.R. § 1.132, with *curriculum vitae* as Appendix A thereto and references cited therein.

The following fees are enclosed:

02/15/2005 WASFAW1 00000043 09347064

01 FC:2801

395.00 0P

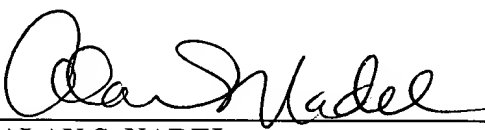
- ☒ RCE fee of \$395.00 required under 37 C.F.R. 1.17(e).
- ☒ Extension of time fee in the amount of \$795.00

- [X] Additional claim fees of **\$375.00** for excess claims submitted in the enclosed Amendment, calculated as follows:

| | | | | | SMALL ENTITY | | LARGE ENTITY | |
|---|---|-----|---------------------------------------|------------------|--------------|-----------------|--------------|------------|
| | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDIT. FEE | RATE | ADDIT. FEE |
| TOTAL | 35 | (-) | or 20 | 15 | x25 | 375 | x50 | |
| INDEP. | | (-) | or 3 | | x100 | 0 | x200 | |
| [] 1st PRESENTATION OF MULTIPLE DEPENDENT CLAIMS | | | | | +\$180 | 0 | +\$360 | |
| | | | | | TOTAL | \$375.00 | TOTAL | |

- [X] Firm check totaling **\$1,565.00** is enclosed herewith.
- [X] The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-1017 (**Billing No. 209282.0005**) as noted below. A duplicate copy of this sheet is enclosed.
- [X] Any overpayments or deficiencies in the above-calculated fee(s).
- [] RCE fee in the amount of \$____.00.
- [] Extension fee in the amount of \$____.00.
- [] Additional claim fee(s) in the amount of \$____.00 as calculated above.
- [X] Any additional fees required under 37 C.F.R. §§ 1.16 or 1.17.
- [X] In the event that a Petition for Extension of Time is required, but not enclosed, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

CORRESPONDENCE ADDRESS

February 11, 2005 By: 
 (Date)

ALAN S. NADEL
 Registration No. 27,363
AKIN GUMP STRAUSS HAUER & FELD LLP
 One Commerce Square
 2005 Market Street, Suite 2200
 Philadelphia, PA 19103-7013
 Telephone: 215-965-1200
Direct Dial: 215-965-1280
 Facsimile: 215-965-1210
 E-Mail: anadel@akingump.com

ASN:hg
 Enclosures